

HOUSE BILL 539

F3
HB 857/10 – W&M

11r0410

By: **Montgomery County Delegation**

Introduced and read first time: February 8, 2011

Assigned to: Ways and Means

Committee Report: Favorable

House action: Adopted

Read second time: March 25, 2011

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County Board of Education – Student Member – Voting**

3 **MC 7–11**

4 FOR the purpose of authorizing the student member of the Montgomery County Board
5 of Education to attend an executive session of the Board of Education that
6 relates to a certain matter; authorizing the student member of the Montgomery
7 County Board of Education to vote on certain matters; and generally relating to
8 the voting rights of the student member of the Montgomery County Board of
9 Education.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 3–901(e)
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2010 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Education
17 Section 6–202(a)
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2010 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Education**

2 3–901.

3 (e) (1) The student member shall be a bona fide resident of Montgomery
4 County and a regularly enrolled junior or senior year student from a Montgomery
5 County public high school.

6 (2) The nomination and election process shall be as agreed on by the
7 county board and the Montgomery County region of the Maryland Association of
8 Student Councils. This agreement shall include a process by which to replace one or
9 both of the final candidates if they are unable to proceed in the election. Any student
10 enrolled in a middle or high school in the Montgomery County public schools may:

11 (i) Nominate a student member candidate;

12 (ii) Vote for delegates from the student's school, who in turn
13 vote in a nominating convention to reduce to 2 the number of candidates for student
14 board member if there are 3 or more candidates; and

15 (iii) Vote directly for 1 of the 2 remaining student board member
16 candidates.

17 (3) The candidate receiving the second highest number of votes in the
18 direct election shall become the alternate student member. The alternate shall serve if
19 the student member is unable to complete his elected term.

20 (4) Except as provided in paragraphs (5), (6), and (7) of this
21 subsection, the student member has the same rights and privileges of an elected
22 member.

23 (5) Unless invited to attend by the affirmative vote of a majority of the
24 county board, the student member may not attend an executive session that relates
25 to[:

26 (i) Hearings] **HEARINGS** held under § 6–202(a) of this article[;
27 or

28 (ii) Collective bargaining].

29 (6) As provided in paragraph (7) of this subsection, the student
30 member shall vote on all matters except those relating to[:

31 (i)] § 6–202(a) of this article[;

32 (ii) Collective bargaining;

1 (iii) Capital and operating budgets; and

2 (iv) School closings, reopenings, and boundaries].

3 (7) On a majority vote of the elected members, the board may
4 determine, on a case by case basis, whether a matter under consideration is covered by
5 the exclusionary [provisions listed] PROVISION in paragraph (6) of this subsection.

6 6–202.

7 (a) (1) On the recommendation of the county superintendent, a county
8 board may suspend or dismiss a teacher, principal, supervisor, assistant
9 superintendent, or other professional assistant for:

10 (i) Immorality;

11 (ii) Misconduct in office, including knowingly failing to report
12 suspected child abuse in violation of § 5–704 of the Family Law Article;

13 (iii) Insubordination;

14 (iv) Incompetency; or

15 (v) Willful neglect of duty.

16 (2) Before removing an individual, the county board shall send the
17 individual a copy of the charges against him and give him an opportunity within 10
18 days to request a hearing.

19 (3) If the individual requests a hearing within the 10–day period:

20 (i) The county board promptly shall hold a hearing, but a
21 hearing may not be set within 10 days after the county board sends the individual a
22 notice of the hearing; and

23 (ii) The individual shall have an opportunity to be heard before
24 the county board, in person or by counsel, and to bring witnesses to the hearing.

25 (4) The individual may appeal from the decision of the county board to
26 the State Board.

27 (5) Notwithstanding any provision of local law, in Baltimore City the
28 suspension and removal of assistant superintendents and higher levels shall be as
29 provided by the personnel system established by the Baltimore City Board of School
30 Commissioners under § 4–311 of this article.

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1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.